

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RAY PINEDA,

Petitioner,

v.

JERRY HOWELL, et al.,

Respondents.

Case No. 2:20-cv-01248-GMN-VCF

ORDER

On June 13, 2020, this court entered an order and judgment dismissing petitioner Pineda's habeas petition under 28 U.S.C. § 2254 because it fails to state a cognizable claim for habeas relief. ECF Nos. 5/6. Pineda has filed a motion for relief from the judgment under Rule 59(e) of the Federal Rules of Civil Procedure. ECF No. 7.

A Rule 59(e) motion seeks to "alter or amend" a judgment and requires "a substantive change of mind" by the court. *Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 527 (9<sup>th</sup> Cir. 1983). "Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or there is an intervening change in the controlling law." *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9<sup>th</sup> Cir. 1999); *see also McDowell v. Calderon*, 197 F.3d 1253, 1255 (9<sup>th</sup> Cir. 1999) (en banc). The requirement of such a showing is a "high hurdle." *Weeks v. Bayer*, 246 F.3d 1231, 1236 (9<sup>th</sup> Cir. 2001).

1 Pineda's motion does not provide any pertinent information, evidence, or  
2 argument that was not before the court when it dismissed this case. Thus, he fails to  
3 make the required showing for relief under Rule 59(e).

4 IT IS THEREFORE ORDERED that petitioner's motion for relief from judgment  
5 under Rule 59(e) (ECF No. 7) is DENIED.

6 IT IS FURTHER ORDERED the petitioner's motion for correction (ECF No. 8) is  
7 DENIED as moot.

8 IT IS FURTHER ORDERED that the court declines to issue a certificate of  
9 appealability as reasonable jurists would not find dismissal debatable or wrong.

10 DATED THIS 20 day of August, 2020.

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13 UNITED STATES DISTRICT JUDGE  
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